

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 08/06/2012
POSITION: Neutral

BILL NUMBER: AB 1541
AUTHOR: Dickinson, Roger
RELATED BILLS: SB 1000 (Yee)

BILL SUMMARY: Public Utilities Commission: Public Records.

Existing law prohibits the California Public Utilities Commission (PUC) or an officer or employee of the PUC from disclosing any information furnished to the PUC by a public utility, a subsidiary, an affiliate, or corporation holding a controlling interest in a public utility, unless the information is specifically required to be open for public inspection under the Public Utilities Act (Act), except on order of the PUC or a commissioner in the course of a hearing or proceeding.

This bill would subject the PUC to the state Public Records Act, bringing the PUC into compliance with the Act.

FISCAL SUMMARY

The PUC states this bill would have no fiscal impact. The Department of Finance concurs and notes any cost should be absorbable within existing PUC resources.

The California Constitution requires the state to reimburse local government for the costs of any program or increased level of service mandated by the Legislature or any state agency. Any local government costs resulting from the mandate in this measure would not be state reimbursable because the mandate only involves the definition of a crime.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the version amended April 24, 2012, include the following amendment that does not alter our position. Specifically, the amendment would:

- Specify all records are subject to the Public Records Act unless exempted from the disclosure provision pursuant to the Act.

COMMENTS

Finance is neutral on the bill and notes it would provide transparency and accountability to the PUC with the goal of protecting public safety and increasing oversight of utilities.

Currently, the Public Records Act allows the PUC to establish its own public access policy. This is contrary to the intent of the Public Records Act and the current PUC policy presumes all documents are confidential unless access is expressly designated.

Following the natural gas explosions in Rancho Cordova and San Bruno, consumer advocacy organizations and the Legislature had difficulty obtaining information pertaining to accident investigations and public safety. Many of the documents raised doubts about practices of gas utility companies potentially putting the public at risk. The documents also highlighted lapses in the oversight of utility companies by the PUC.

Analyst (621) Kathy Madison	Date	Program Budget Manager Karen Finn	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

AUTHOR

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COMMENTS (continued)

The bill would require the PUC to comply with intent of the Public Records Act, guaranteeing the public access to documents unless the information requested meets specified criteria, such as endangering the public by its release.

SB 1000 (Yee) would also provide for the PUC to be subject to the Public Records Act.

	SO	(Fiscal Impact by Fiscal Year)							
Code/Department	LA	(Dollars in Thousands)							
Agency or Revenue	CO	PROP					Fund		
Type	RV	98	FC	2012-2013	FC	2013-2014	FC	2014-2015	Code
8660/PUC	SO	No		-----	No/Minor Fiscal Impact	-----			0462
<u>Fund Code</u>	<u>Title</u>								
0462	Publ Utilities Comm Utilities Reimb Acct								